

CRIMINAL JUSTICE SERVICES BOARD
MINUTES
June 12, 2003

Members Present

Sheriff Beth Arthur
The Honorable Linda Curtis
Mr. Jeffrey Dion
Ms. Helen Fahey
Mr. Thomas W. Fore, Sr.
Sheriff Vernie W. Francis, Jr.
The Honorable Catherine Hammond
Mr. Frederick A. Hodnett, Jr.
Mr. John Jabe
Mr. Howard for The Honorable Jerrauld C. Jones
Mr. Patrick Harris for Dr. Jay Malcan
Colonel Gerald Massengill
Sheriff Robert E. Maxey, Jr.
Mr. Walter A. McFarlane
Chief Dennis A. Mook
Colonel Andre parker
Ms. Marla Decker for Mr. Richard Savage
Ms. Mary Kay Wakefield
Mr. Chirstopher R. Webb
The Honorable Robert Hurt (*non-voting member*)
The Honorable Frederick M. Quayle (*non-voting member*)

Members Not Present

Ms. Emily M. Bryant
Chief Atlas L. "Joe" Gaskins, Chairman
Mr. G. Jeffrey Mason
The Honorable Patricia L. West
The Honorable Beverly Sherwood (*non-voting member*)
The Honorable Kenneth W. Stolle (*non-voting member*)

DCJS Staff Present

Nancy Bacot
Leon Baker
Donna Bowman
Joyce Bradford
Dan Catley
Kathleen Demro
Fran Ecker
Melissa Feeley
Dan Gilmore
Lisa Hahn

Kathi Lee
Nikole Lewis
John Mahoney
Ursula Murdaugh
Laurel Marks
Joe Marshall
Bobby Mathieson
Mandie Patterson
Becky Sirles
Janice Waddy

Others Present

Dr. Marcella Fierro, Chief Medical Examiner, Department of Health
Beth Cain, VBFAA/Cain Security
George Hardricourt, ADT/VBFAA
Martha Clancy, PISA

Call to Order

Mr. Frederick A. Hodnett, Jr., Board Member and Acting Chairman, called the meeting to order at 11:05 a.m.

Approval of the Minutes

Mr. Hodnett noted that the minutes have been amended to reflect that Mr. Patrick Harris, a guest at the May 8 meeting, attended the meeting as a representative of the Virginia Crime Prevention Association and not the Virginia Chiefs of Police Association as originally recorded.

A motion was made and seconded to approve the amended minutes of the May 8, 2003 meeting. The minutes were unanimously approved as amended.

Director's Report

Mr. Hodnett called on Chief Deputy Director Bobby Mathieson to give a report.

Mr. Mathieson reported that Director Cooke regrets that is unable to attend today's meeting because he is attending the first half of VCU's Virginia Executive Institute in Williamsburg this week.

Mr. Mathieson reported that Senator Stolle, in his role as Chairman of the Senate Courts of Justice Committee, has appointed Senator Frederick M. Quayle of Chesapeake to represent the committee on this Board. Mr. Mathieson welcomed Senator Quayle as a new Board member.

Mr. Mathieson reported that Leon Baker has been selected to fill the position of Director of the Research and Regulation Division and Fran Ecker has been selected to fill the position of Director of the Programs and Services Division. Both had been serving as “acting” Division Directors pending the formal process of recruiting and hiring for the two positions.

Mr. Mathieson reported that the annual Juvenile Justice and Delinquency Prevention conference, Making a Difference in Juvenile Justice, will be held on Monday and Tuesday, June 16 – 17, in Williamsburg.

Mr. Mathieson reported that, thanks to the hard work of Paul Ferrara, Jan Faircloth’s Virginia Liaison office, and members of our Congressional delegation, DCJS has been able to secure a \$1.5 million earmark of federal funds in the fiscal 2003 federal budget for Virginia’s Division of Forensic Science (DFS). The funds, from the federal DNA backlog elimination program, are for enhancing “...existing forensics laboratory capabilities for analysis and training...” Mr. Mathieson stated that DCJS will be working with the National Institute of Justice, which administers the funds, to complete the paperwork necessary to obtain the funds.

Mr. Mathieson reported that DCJS is continuing to monitor the federal budget and appropriations process for federal fiscal year 2004. He reminded the Board that the President has proposed significant reductions in the grant funds available to states and localities for criminal justice assistance. Among his proposals is the elimination of the Byrne and Local Law Enforcement Block Grant programs; a new justice assistance grant program funded at substantially less than the two existing programs would replace them. He has also proposed reduction of Juvenile Justice and Delinquency Prevention Act funds and elimination of the Juvenile Accountability Incentive Block Grant. The Congressional appropriating committees are just beginning work on specific appropriations bills for the various federal departments, within the framework established by the budget resolution Congress enacted a couple of months ago.

Mr. Mathieson reported that Richard Nedelkoff, Director of the Bureau of Justice Assistance (the federal agency that administers the Byrne and Local Law Enforcement Block Grant programs), has announced his resignation.

Finally, Mr. Mathieson announced that, at the request of Chairman Gaskins, DCJS staff will be reviewing the CJSB’s by-laws to check for obsolete references or sections that may have become unnecessary with the passage of time. Staff will discuss recommended amendments with Chief Gaskins and present them to the Board at the September meeting.

Committee on Training Report

Mr. Hodnett called on Sheriff Maxey for a report of the Committee on Training.

Sheriff Maxey reported that the Committee on Training (COT) met this morning at 9 o’clock. The COT heard a number of reports on various training initiatives including: Homeland Security, Alzheimer’s Training, Speed Measurement Training as well as several other new programs.

The most significant piece of business, Sheriff Maxey reported, was the public hearing pertaining to Private Security Regulations. Sheriff Maxey called on Lisa Hahn, Private Security Services Section Chief, to give a brief overview of the Public Hearing.

Lisa Hahn reported that the regulatory process began in February 2002. DCJS published and received comments on a notice of intended regulatory action, draft regulations, and proposed regulations. Notices were sent at each stage to business compliance agents, instructors, training directors and any individual who requested to be on the Public Participation Guideline (PPG) list—approximately 2,300 notices. Fourteen (14) comment letters were received during the proposed regulatory comment period. Ms. Hahn stated that, throughout the process, DCJS has sought and received input from the Private Security industry, held seven (7) board meetings and provided a public comment period during each of the board meetings. Additionally, DCJS has worked with the Private Security Services Advisory Board's Training Committee that is made up of board members as well as industry representatives. A job task analysis was completed, as well, on the security officer and private investigator categories. Ms. Hahn reported that most of the findings from the job task analysis were included in the proposed regulations.

In addition, Ms. Hahn reported, during the annual conference last year a four-hour public hearing was held to discuss draft regulations. Approximately 200 attendees participated in a "lively exchange." Fifty-two (52) written comments were also received during that timeframe. Those comments were incorporated in the draft to bring the regulations to the proposed stage. The meeting summary was posted within days including the changes made and the rationale for each change. Ms. Hahn noted that this was the first time that the industry received immediate feedback on a regulatory public hearing. Updates were also provided during the process to the Committee on Training and the Private Security Services Advisory Board. All of the comments received during the proposed regulatory stage were reviewed and recommendations for incorporating changes into the final regulations were made. Ms. Hahn reported that, today, the Committee on Training held the Public Hearing on these regulations. Two (2) people spoke at the Public Hearing. The regulatory package provided to the Committee on Training summarizing the entire process is available on request.

Ms. Hahn called for questions. There were none.

Sheriff Maxey continued the Committee on Training report. He said that, following the Public Hearing, the Committee on Training discussed the proposed regulations. Subsequently, several minor changes to the proposed regulations were made.

A motion was made and seconded that the regulations, as approved by the Committee on Training, be adopted by the Criminal Justice Services Board. Motion carried unanimously.

School Security Officer Certification

Mr. Hodnett called on Donna Bowman, Director of the Virginia Center for School Safety, for a report on School Security Officer Certification. Ms. Bowman referred Board members to the information distributed prior to the meeting. Ms. Bowman reported that the General Assembly, in 2002, mandated that DCJS, in collaboration with the Department of Education and the Crime

Commission, develop hiring and certification standards and a training curriculum for School Security Officers. Those draft regulations are included in the handout. Ms. Bowman explained the difference between School Security Officers (SSO) and School Resource Officers (SRO). SSOs are hired by schools and used as public safety security personnel within the schools. SROs are full-time law enforcement officers hired by the local law enforcement agency and placed at the school.

Ms. Bowman reported that, in February, DCJS put out an RFP and the process has been completed to hire someone to draft a curriculum for SSOs. The curriculum is expected to be complete by December 31, 2003.

An SSO Advisory Committee meeting was held, as mandated by law, including all mandated representatives. A great deal of input was gained from that meeting resulting in changes to the proposed regulations. Ms. Bowman stated that the CJSB has the authority to promulgate regulations with regard to hiring and certification standards and DCJS is initiating the Administrative Process Act (APA) procedures.

Ms. Bowman explained that one of the early steps in the APA process is for the CJSB to review the draft regulations and approve continuing the APA process. She reported that the draft regulations were developed by DCJS staff, Virginia Center for School Safety (VCSS) staff, and reviewed by the School Security Advisory Board. The School Security Advisory Board made a number of changes which were incorporated in the regulations now presented to the Board.

Ms. Bowman stated that the School Security Officer deadline was extended during the last General Assembly session from September 2003 to September 2004 at which time the regulations will be brought back to the CJSB for final review and acceptance to then be promulgated by DCJS.

Ms. Bowman called for questions. Mr. Hodnett asked if the purpose of the report was to request approval of the draft regulations. Ms. Bowman stated that they are bringing the draft regulations forward for review and notification of DCJS/VCSS intent to initiate the APA process pending receipt of final additions from SSO committee members. She stated that the anticipated successful final conclusion of the process will take place by the deadline of September 2004. The APA process will officially be started within the next month or two. She added that they are moving forward on the training curriculum and will have many of the SSOs in Virginia trained well before the deadline.

Mr. Hodnett called for questions.

Marla Graff Decker asked Ms. Bowman if there is a reason for not requiring U.S. Citizenship. Ms. Bowman explained that, because the SSOs are hired by the school board, the requirements cannot supercede the minimum qualifications required by the school board for its other professional staff. The schools only require a legal certification of status (i.e. resident alien) for their professional staff; therefore, the Board lowered their minimum requirements to meet that of the school board so as not to supercede the school's requirements.

Ms. Bowman clarified that School Security Officers (SSO) are not law enforcement personnel and currently do not have any law enforcement powers.

Another CJSB member asked Ms. Bowman to explain the difference between a School Security Officer (SSO) and a School Resource Officer (SRO). Ms. Bowman explained that SSOs are school employees. Each school division defines the duties of an SSO differently. With regard to developing training standards, the Virginia Center for School Safety (VCSS) is looking at SSOs who actually function in conjunction with the youth by mediating conflicts and providing security for the children. When SSOs come in contact with children, they need a great deal of training in how to deal with children.

School Resource Officers (SROs) are law enforcement professionals. They have the entire certification given by DCJS. VCSS requires SROs to have several years of experience. SROs are there as an arm of law enforcement. They are not there to provide discipline for the students. Ms. Bowman explained that the VCSS developed a model where administrators, school security, and SROs are working in a triangle and, when done properly, it is the best way to provide safety and coverage for students. Because School Security Officers function as an administrative arm, they have more authority than a law enforcement officer in terms of conducting searches and providing security within the school; a law enforcement officer has to work under probable cause. The SRO brings a higher level of professionalism in terms of crime prevention activities, critical incident response, crisis planning, etc., but the SSO is more there for discipline, breaking up fights, acting as an arm of the administrator. The VCSS sees the triangle as a possible and positive way to work in tandem.

Ms. Decker asked why the requirements for a physical exam and minimum age were removed.

Ms. Bowman replied that there are several factors involved in removing the requirement for a physical exam. First, who pays for the physical? And second, who determines the physical standard? The physical standard is going to be set by the school division based on the duties for that position. There is no benefit to requiring a physical exam when there is no overseeing body that determines the level of fitness required to do the job.

Regarding the minimum age requirement, Ms. Bowman stated that the school division sets the minimum age requirement and, because school code states that employees have to be 18 years of age, there was no need for the SSO regulations to duplicate that requirement.

Mr. Hodnett thanked Ms. Bowman for her report.

Consideration of Grant Applications

JJDP Title II and Title V

Mr. Hodnett called on Mr. Lloyd Dunnivant for a report. Mr. Dunnivant referred members to the summary grant packets and briefed the Board on the two-step process that the Advisory Committee uses to determine recommendations.

Mr. Dunnivant reported that, initially, 11 localities were invited to submit full applications for Title V funds based on a review of content papers received. Upon finding out that Title V funds were going to be cut, the applicants were notified and the committee subsequently ended up with 6 localities submitting applications for new programs and 8 continuation applications. After review, the committee decided to recommend funding the 8 continuation applications, fully funding 3 requests for new funds, and partially funding 4 proposals. The committee was unable to recommend funding for the remaining 2 proposals because of lack of available funds.

Mr. Dunnivant called for questions regarding the Title V grant recommendations. There were none.

A motion was made and seconded to approve the Advisory Committee on Juvenile Justice recommendations for Title V grant funding.

The motion carried unanimously with the following recusals:

Ms. Linda Curtis	City of Hampton
Chief Dennis A. Mook	City of Newport News
Col. Andre Parker	City of Richmond

Next, Mr. Dunnivant reported that seven (7) applicants were invited to submit full applications for Title II funding. The committee requested a rewrite of the Lynchburg application which has since been resubmitted and approved by the subcommittee. On behalf of the subcommittee, Mr. Dunnivant recommended approval of 12 continuation applications and 7 new applications for Title II funds.

A motion was made and seconded to approve the 12 continuation applications and 7 new applications for Title II funds as recommended by the Advisory Committee on Juvenile Justice.

The motion carried unanimously with the following recusals:

Chief Dennis A. Mook	City of Newport News
Col. Andre Parker	City of Richmond

JAIBG

Mr. Hodnett called upon Sheriff Maxey for a report.

Sheriff Maxey reported that, at the May 8 Criminal Justice Services Board meeting, the appeals panel recommended that the grant request of Giles County on behalf of the New River Detention Home be tabled until the June meeting. The program requested funding to take qualified students to sites of historical, governmental, and educational importance throughout the Commonwealth of Virginia and Washington, D.C. area. The program was designed to be an incentive that students might earn through academic, behavioral, and legal compliance. Students would present multimedia presentations to all facility residents upon completion of the trip.

Following an appeal presentation on May 8, DCJS staff requested that New River submit additional information. New River responded, in writing, by the deadline. The appeals panel met again, prior to this meeting, to consider the request and is recommending that the CJSB approve the Giles County New River Valley Detention Home application under the JAIBG program with a funding limit up to \$15,000. This application will be a pilot project that will offer field trip incentives to juveniles participating in post-dispositional programs that will enhance academic, life skills, vocational education, career exploration, and technology awareness goals that are the focus of post-dispositional education programs. The appeals panel also recommends that the staff provide adequate technical assistance and support for the program.

A motion was made and seconded that the Board approve the grant to the New River Detention Home in the amount of \$15,000.

The motion carried unanimously.

School Resource Officer Trust Fund Program

Mr. Hodnett called upon Mr. McFarlane for a report.

Mr. McFarlane referred Board members to the report of the School Resource Officers Subcommittee distributed just prior to the meeting.

He reported that 26 counties and towns asked for continuation of existing grants. No request was denied in its entirety; however, a number were reduced because they either failed to meet the terms of the grant process, they requested funding for items not allowed under the grant terms, or they used the wrong composite index in arriving at the appropriate amount for which they could qualify.

A number of grants are recommended for full funding in accordance with the grantee's request. A number are recommended for funding with the caveat that the grantees submit a revised budget by July 1, 2003, to reflect the reduced amount recommended for approval. Staff also recommended that certain budget line items be changed in the Rockingham grant to reflect the appropriate use of the composite index; however, the subcommittee recommends that the full amount requested by Rockingham be approved. The remaining grants are recommended for approval at the appropriate reduced amount.

A motion was made and seconded to approve the recommendations of the subcommittee.

Motion carried unanimously with the following recusal:

Sheriff Vernie W. Francis Southampton

Byrne

Mr. Hodnett called on Sheriff Francis for a report.

Sheriff Francis reported that the subcommittee met on June 3, 2003. There were 79 continuation grant applications presented by staff. There were 3 programs that were recommended for denial and are not eligible for appeal: Town of Bluefield, Essex County, Prince William County. The remainder of the programs are recommended for funding for a total of 76 grants.

A motion was made and seconded to approve the recommendations of the subcommittee.

The motion carried unanimously with the following recusals:

Judge Catherine Hammond	Henrico County
Mr. John Jabe	Department of Corrections
Sheriff Robert E. Maxey	Campbell County
Mr. Walter A. McFarlane	Department of Corrections
Chief Dennis A. Mook	Newport News
Col. Andre Parker	City of Richmond
Mr. Christopher R. Webb	Bedford, Campbell, and Northern Neck Regional Jails

Victim Witness

Mr. Hodnett called on Mary Kay Wakefield for a report.

Ms. Wakefield reported that the Victim Services subcommittee met on May 28 to review the Victim/Witness grants. Subcommittee members present were Fred Hodnett and Ms. Wakefield. Mr. Jeff Dion and Ms. Helen Fahey also participated via conference call. DCJS staff members present were Mandie Patterson, John Mahoney, Wendy Hopp, Nikole Lewis, Kathleen Radford-Demro, and Becky Sirles. Ms. Wakefield thanked them for their assistance with the process.

Ms. Wakefield stated that DCJS initiated a two-year grant process in 2002 for Victim/Witness grants. In April of 2002, applicants submitted one grant application to request funding for both fiscal year 2003 and 2004. The committee reviewed the second year of the grant cycle, fiscal year 2004. For fiscal year 2004, a total of \$9.3 million is available for the award. DCJS received 105 applications totaling \$9,034,074. The subcommittee and DCJS staff recommend awarding a total of \$8.8 million to support the 105 programs. This award includes a 2.25% salary raise consistent with the salary process. It is estimated that the funded programs will serve over 68,000 direct service victims in fiscal year 2004. There are no appeals available; therefore, on behalf of the subcommittee, Ms. Wakefield recommended that the Board award the sum of \$8,791,596 to support the 105 applicant programs.

A motion was made and seconded to award the sum of \$8,791,596 to support the 105 applicant programs as recommended by the subcommittee.

The motion carried unanimously with the following recusals:

Sheriff Beth Arthur	Arlington County
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Ms. Linda Curtis	City of Hampton
Sheriff Vernie W. Francis	Southampton
Judge Catherine Hammond	Henrico County
Mr. John Jabe	Department of Corrections
Sheriff Robert E. Maxey	Campbell County
Chief Dennis A. Mook	Newport News
Ms. Marla Decker	Attorney General's Office
Col. Andre Parker	City of Richmond
Mr. Christopher R. Webb	Bedford, Campbell, Halifax, and City of Lynchburg

Sexual Assault Grant Program

Mr. Hodnett called upon Ms. Wakefield for a report.

Ms. Wakefield reported that the Sexual Assault Subcommittee met on May 28. She stated that DCJS initiated a two-year grant process in 2001 for sexual assault grants. This year applicants submitted one grant application to request funding for both fiscal year 2004 and 2005. The committee reviewed both years of the grant cycle. It is anticipated that funding for the second year of the grant, 2005, will remain at the 2004 award level assuming sufficient federal and state resources are available and program performance is satisfactory; therefore, the Board will be voting on both years of this two-year grant program today. For fiscal year 2004, a total of \$2.8 million is available for funding. DCJS received a total of 39 applications totaling \$3.2 million. The subcommittee and DCJS staff recommend awarding a total of \$2,894,900 to support the 39 programs. It is estimated that the funded programs will serve over 10,000 direct service victims in fiscal year 2004. There are no appeals available.

A motion was made and seconded that the Board award the sum of \$2,894,900 for both fiscal year 2004 and, again, in 2005.

The motion carried unanimously with the following recusal:

Sheriff Beth Arthur	Arlington
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New Business

Private Security Services Advisory Board (PSSAB) Appointments

Mr. Hodnett called on Ms. Wakefield for a report.

Ms. Wakefield reported that the Nominations Committee of the Criminal Justice Services Board held a meeting on May 8, 2003 to review the applicants for two vacancies that will occur on the PSSAB effective June 30, 2003. An additional conference call was also held on May 28. The Nominations Committee is comprised of Mr. Hodnett, Sheriff Maxey, Colonel Parker, and Ms. Wakefield. Lisa Hahn provided staff support to the committee. The two vacancies were in the following areas: private investigator representative and personal protection specialist

representative. The Nominations Committee received nine (9) applications from many highly qualified individuals. The committee reviewed the applications along with the recommendation letters that were provided in support of the applicants. The committee considered the applicants' experience and service to the industry. Ms. Wakefield stated that the Nominations Committee recommends the following individuals for appointment to the Private Security Services Advisory Board effective July 1, 2003:

<u>Vacancy</u>	<u>Recommended Appointment</u>
Private Investigator Representative	Christopher DeMartino For a term that would expire June 30, 2005
Personal Protection Specialist Representative	Robert Schuster (reappointment) For a term that would expire June 30, 2005

On behalf of the Nominations Subcommittee, Ms. Wakefield thanked everyone who participated in the process for their contributions.

A motion was made and seconded that the Board approve the recommendations for appointments to the Private Security Services Advisory Board. The motion carried unanimously.

Court Appointed Special Advocate and Children's Justice Act Advisory Committee Appointments

Mr. Hodnett called on Ms. Wakefield for a report.

Ms. Wakefield reported that the Criminal Justice Services Board (CJSB) has the authority to appoint members to the Advisory Committee for CASA and Children's Justice Act Programs. Mr. Paul Hirschbiel, Jr. is nominated for the position of a local Court Appointed Special Advocate volunteer/board member. Ms. Lauren Caudill is nominated for the position of a defense attorney and is currently a partner in the firm, Jacobs and Caudill where she specializes in criminal law, domestic relations, and guardian ad litem work. Each would serve a four-year term, if appointed. The subcommittee has had the opportunity to review the candidates' qualifications and finds both to be outstanding.

A motion was made and seconded to appoint Mr. Paul Hirschbiel, Jr., and Ms. Lauren Caudill to the CASA Board. Motion carried unanimously.

Mr. Hodnett called for any other items of new business. There were none.

Adjournment

Mr. Hodnett noted that the next meeting of the Criminal Justice Services Board will be held in House Room D of the General Assembly Building on Thursday, September 18, 2003, at 11 a.m.

In the absence of further business, a motion to adjourn was made, seconded and carried unanimously. The meeting adjourned at 11:55 a.m.

Respectfully submitted:

Melissa D. Feeley

Approved:

Chief Joe Gaskins, Chairman

Date